

**United States District Court
District of Massachusetts (Worcester)
CIVIL DOCKET FOR CASE #: 4:09-cv-40011-RWZ**

Bonadonna v. United States Department Of Justice
Assigned to: Judge Rya W. Zobel
Case in other court: First Circuit, 10-01595
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 01/05/2009
Date Terminated: 04/30/2010
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff**Philip A. Bonadonna**

represented by **Philip A. Bonadonna**
04722-016
FMC Devens
P.O. Box 879
Ayer, MA 01432
PRO SE

V.

Defendant**United States Department Of Justice**

represented by **Michael P. Sady**
United States Attorney's Office
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/05/2009	<u>1</u>	Complaint filed by Philip A. Bonadonna. (Attachments: # <u>1</u> exhibits to motion)(Gawlik, Cathy) Modified on 7/16/2009 (Urso, Lisa). (Entered: 01/16/2009)
01/05/2009		ELECTRONIC NOTICE of Case Assignment. Judge Rya W. Zobel assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Bowler (Gawlik, Cathy) (Entered: 01/16/2009)
01/28/2009	<u>2</u>	Judge Rya W. Zobel: ORDER entered. MEMORANDUM AND ORDER: Within 21 days of this Procedural Order, Plaintiff either shall (1) pay the \$350.00 filing fee; or (2) file an application to proceed in forma pauperis accompanied by a certified prison account statement. Pending resolution of the filing fee, the Clerk shall not issue a summons to the Defendant. Upon resolution of the filing fee issues, a separate Order shall issue with respect to the issuance of a summons and service of process.(PSSA, 1)[Remark: IFP form sent to Plaintiff; copy of Memorandum and Order sent to Treasurer's Office]. (Entered: 01/29/2009)
02/20/2009		Filing fee/payment: \$ 350.00, receipt number BST008962 for <u>1</u> MOTION To Enforce a freedom Of Information Act Request, COMPLAINT (Russo, Patricia) (Entered: 02/20/2009)
02/25/2009	<u>3</u>	Judge Rya W. Zobel: FURTHER MEMORANDUM AND ORDER entered: In view of the resolution of the filing fee issue, the Court will permit this action to proceed at this time. It is hereby Ordered that the Clerk shall issue a summons with respect to the United States Department of Justice, and provide Plaintiff the standard instructions for service. Since the Plaintiff is not proceeding in forma pauperis, he must bear the costs of service unless otherwise ordered by this Court.

		Plaintiff shall file proof of service in this Court within 120 days from the date of this Memorandum and Order.(PSSA, 1) (Entered: 02/26/2009)
02/26/2009	<u>4</u>	Summons Issued as to United States Department Of Justice, U.S. Attorney and U.S. Attorney General. (PSSA, 1)[Remark: summonses manually prepared, signed and sealed, sent to plaintiff along with standard instructions for service and USM 285 forms]. (Additional attachment(s) added on 3/10/2009: # <u>1</u> Corrected (non filliable) Document) (Johnson, Jay). (Entered: 02/26/2009)
03/19/2009	<u>5</u>	US Marshal Process Receipt and Return for Civil Action. Philip Bonadonna served Delivered on 3/18/09 (Johnson, Jay) (Entered: 03/20/2009)
03/20/2009	<u>6</u>	US Marshal Process Receipt and Return for Civil Action. US Attorney served Delivered on 3/13/09 (Johnson, Jay) (Entered: 03/23/2009)
03/20/2009	<u>7</u>	US Marshal Process Receipt and Return for Civil Action. Department of Justice served Delivered on 3/13/09 (Johnson, Jay) (Entered: 03/23/2009)
05/19/2009	<u>8</u>	MOTION for Extension of Time to 7/3/09 to File Response/Reply by United States Department Of Justice.(Sady, Michael) (Entered: 05/19/2009)
05/22/2009		Judge Rya W. Zobel: Electronic ORDER entered granting <u>8</u> Motion for Extension of Time to File Response/Reply re <u>1</u> MOTION To Enforce a freedom Of Information Act Request Responses due by 7/3/2009 (Johnson, Jay) (Entered: 05/22/2009)
07/02/2009	<u>9</u>	MOTION to Dismiss <i>for Lack of Venue or, in the Alternative, for Transfer</i> by United States Department Of Justice.(Sady, Michael) (Entered: 07/02/2009)
07/02/2009	<u>10</u>	MEMORANDUM in Support re <u>9</u> MOTION to Dismiss <i>for Lack of Venue or, in the Alternative, for Transfer</i> filed by United States Department Of Justice. (Attachments: # <u>1</u> Exhibit)(Sady, Michael) (Entered: 07/02/2009)
07/28/2009	<u>11</u>	RESPONSE to Motion re <u>9</u> MOTION to Dismiss <i>for Lack of Venue or, in the Alternative, for Transfer</i> filed by Philip A. Bonadonna. (Johnson, Jay) (Entered: 07/29/2009)
08/28/2009		Judge Rya W. Zobel: Electronic ORDER entered denying <u>9</u> Motion to Dismiss. In the absence of clear authority that venue is improper in this district. (Urso, Lisa) (Entered: 08/28/2009)
09/04/2009	<u>12</u>	MOTION for Extension of Time <i>To Respond to Complaint and/or to File Motion for Reconsideration</i> by United States Department Of Justice.(Sady, Michael) (Entered: 09/04/2009)
09/09/2009		Judge Rya W. Zobel: endorsedORDER entered granting <u>12</u> Motion for Extension of Time to 9/30/09. (Urso, Lisa) (Entered: 09/09/2009)
09/09/2009		Set/Reset Answer Deadlines for United States Department Of Justice. (Urso, Lisa) (Entered: 09/09/2009)
09/28/2009	<u>13</u>	MOTION to Dismiss <i>for failure to state a claim</i> by United States Department Of Justice.(Sady, Michael) (Entered: 09/28/2009)
09/28/2009	<u>14</u>	MEMORANDUM in Support re <u>13</u> MOTION to Dismiss <i>for failure to state a claim</i> filed by United States Department Of Justice. (Sady, Michael) (Entered: 09/28/2009)
01/19/2010	<u>15</u>	MOTION to inform the court by Philip A. Bonadonna.(Johnson, Jay) (Entered: 01/20/2010)
01/22/2010	<u>16</u>	MOTION for Extension of Time to 2/26/2010 to "understand status of case" by Philip A. Bonadonna.(Johnson, Jay) (Entered: 01/27/2010)
01/27/2010	<u>17</u>	RESPONSE to Motion re <u>13</u> MOTION to Dismiss <i>for failure to state a claim</i> filed by Philip A. Bonadonna. (Attachments: # <u>1</u> Affidavit)(Johnson, Jay) (Entered: 01/28/2010)
02/22/2010	<u>18</u>	Judge Rya W. Zobel: ORDER entered granting <u>13</u> Motion to Dismiss; denying <u>15</u> Motion as moot ; granting <u>16</u> Motion for Extension of Time to 2/26/10 (Urso, Lisa)

		(Entered: 02/23/2010)
03/10/2010	<u>19</u>	MOTION for Extension of Time to 40 days to File Motion for Reconsideration by Philip A. Bonadonna.(Johnson, Jay) (Entered: 03/10/2010)
04/20/2010	<u>20</u>	MOTION for Reconsideration re <u>18</u> Order on Motion to Dismiss, by Philip A. Bonadonna.(Johnson, Jay) (Entered: 04/21/2010)
04/27/2010	<u>21</u>	Opposition re <u>20</u> MOTION for Reconsideration re <u>18</u> Order on Motion to Dismiss, Order on Motion for Miscellaneous Relief, Order on Motion for Extension of Time filed by United States Department Of Justice. (Sady, Michael) (Entered: 04/27/2010)
04/29/2010		Judge Rya W. Zobel: ENDORSED ORDER entered denying <u>20</u> Motion for Reconsideration (Urso, Lisa) (Entered: 04/29/2010)
04/30/2010	<u>22</u>	Judge Rya W. Zobel: ORDER entered. JUDGMENT entered dismissing the complaint. (Urso, Lisa) (Entered: 04/30/2010)
04/30/2010		Civil Case Terminated. (Urso, Lisa) (Entered: 04/30/2010)
05/10/2010	<u>23</u>	NOTICE OF APPEAL as to <u>22</u> Judgment by Philip A. Bonadonna NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/efiling.htm. Appeal Record due by 6/1/2010. (Johnson, Jay) (Entered: 05/11/2010)
05/13/2010	<u>24</u>	Certified and Transmitted Full Record on Appeal to US Court of Appeals re <u>23</u> Notice of Appeal, (Attachments: # <u>1</u> Docket Sheet)(Ramos, Jeanette) (Entered: 05/13/2010)
05/14/2010		USCA Case Number 10-1595 for <u>23</u> Notice of Appeal, filed by Philip A. Bonadonna. (Ramos, Jeanette) (Entered: 05/14/2010)
06/02/2010	<u>25</u>	MOTION/AFFIDAVIT for Leave to Appeal in forma pauperis by Philip A. Bonadonna.(Johnson, Jay) (Entered: 06/03/2010)
06/03/2010		Judge Rya W. Zobel: ENDORSED ORDER entered granting <u>25</u> Motion for Leave to Appeal in forma pauperis (Urso, Lisa) (Entered: 06/04/2010)
06/08/2010	<u>26</u>	Supplemental Record on Appeal transmitted to US Court of Appeals re <u>23</u> Notice of Appeal, Documents included: 25 & Endorsed Order (Ramos, Jeanette) (Entered: 06/08/2010)
07/02/2010	<u>27</u>	ORDER of USCA as to <u>23</u> Notice of Appeal, filed by Philip A. Bonadonna. The appellant listed above is a prisoner seeking to appeal in forma pauperis and has applied to proceed without prepayment of the \$455 filing fee under the Prison Litigation Reform Act (PLRA), 28 U.S.C. 1915 (a)(2). Appellant has completed and filed a consent form permitting appropriate prison officials to calculate and collect in installments the \$455 filing fee from the appellant's prison trust account in accordance with the terms of 28 U.S.C. 1915 (b)(1) and (2). Order issued in the USCA 7/1/2010 (Attachments: # <u>1</u> Attachment)(Ramos, Jeanette) (Entered: 07/02/2010)
01/07/2011	<u>28</u>	MANDATE of USCA as to <u>23</u> Notice of Appeal,, filed by Philip A. Bonadonna. Appeal <u>26</u> , <u>27</u> , <u>24</u> , <u>23</u> Terminated. AFFIRMED (Jones, Sherry) (Entered: 01/07/2011)